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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/542,551	04/03/2000	Yuji Koide	1232-4623	4812

7590 12/31/2003

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New York, NY 10154

EXAMINER
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WORKU, NEGUSSIE

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 12/31/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/542,551

Applicant(s)

KOIDE, YUJI

Examiner

Negussie Worku

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-12, are rejected under 35 U.S.C. 102(b) as being anticipated by Fukasaka (EP 0 860 978 A2).

With respect to claim 1, Fukasaka discloses an image sensing apparatus 9101 of fig 1), comprising: image sensing means (13 of fig 2), for image-sensing an object and outputting an image signal, see (col.6, lines 23-26); signal processing means 9141 of fig 9) for converting the image signal outputted from said image sensing means (140 of fig 9) into digital image data, see (col.12, lines 32-33); transmission/reception means (I/F 26 of fig 30), for transmitting/receiving data with an information processing apparatus (203 of fig 3), connected to said image sensing apparatus (103 of fig 3) via a cable or wireless communication, see (USB interface, col.9, lines 35-38); and signal generation means (11 of fig 3), for generating a trigger signal to perform image-sensing related operation, see (col.10, lines 20-25), wherein if said image sensing apparatus (103 of fig 3), and said information processing apparatus (203 of fig 3) are connected to

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each other and said information processing apparatus (203 of fig 3) is in a suspended status, *(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device (computer) 203 of fig 3, by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50)*, said image sensing apparatus (103 of fig 3) transmits a resume signal via said transmission/reception means (I/F 26 of fig 3) to said information processing apparatus, computer (203 of fig 3) in accordance with said trigger signal (trigger signal triggered bu button 11 of fig 3).

With respect to claim 2, Fukasaka discloses the image sensing apparatus (103 of fig 3), further comprising recording means (24 of fig 3) for recording said digital image data, see (col.10, lines 1-5).

With respect to claim 3, Fukasaka discloses the image sensing apparatus (103 of fig 3), further comprising a switch (buttons 11 of fig 30), having at least a first contact to start image-sensing preparation operation, see (col.10, lines 20-23) and a second contact to start image sensing operation see (col.10, lines 20-23) and digital image-data formation and recording, wherein when said first contact is turned on, (when button 11 of fig 3, is turned on), said image sensing apparatus transmits said resume signal to said information processing apparatus (203 of fig 3).

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With respect to claim 4, Fukasaka discloses the image sensing apparatus (103 of fig 3), further comprising a switch having at least a first contact to start image-sensing preparation operation, see (col.10, lines 10-15) and a second contact to start image sensing operation (11 of fig 3, a button for application request , see (col.10 , lines 20-25), and digital image-data formation and recording, (24 of fig 3, a recording means) wherein when said second contact is turned on, said image sensing apparatus (103 of fig 3) transmits said resume signal to said information processing apparatus (203 of fig 3).

With respect to claim 5, Fukasaka discloses the image sensing apparatus 9103 of fig 3), further comprising a switch (11 of fig 3) having at least a first contact to start image-sensing preparation operation, (power switch see col.10, lines 20-24), and a second contact (shutter button 11 of fig 3, see (col.10, lines 10-15) start image sensing operation and digital image-data formation and recording, see (col.10, lines 10-15), wherein when said second contact has been turned on and said image sensing operation, see (col.10, lines 20-25), and said digital image-data formation and recording have been completed, said image sensing apparatus (103 of fig 3), transmits said resume signal to said information processing apparatus (computer 203 of fig 3).

With respect to claim 6, Fukasaka discloses the image sensing apparatus (103 of fig 3), wherein said signal generation means (13 of fig 3) is a particular switch (button 11 of fig 3) provided in said image sensing apparatus 9103 of fig 3).

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With respect to claim 7, Fukasaka discloses the image sensing apparatus (103 of fig 3), further comprising display means (30 of fig 3) for performing predetermined display, wherein if said image sensing apparatus (103 of fig 3) and said information processing apparatus (203 of fig 3) are connected to each other (via I/F 26 of fig 3) and said information processing apparatus (computer 203 of fig 3), is in the suspended status, *(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device (computer) 203 of fig 3, by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50)*, said display means (30 of fig 3) displays information indicating that said information processing apparatus (203 of fig 1) is suspended.

With respect to claim 8, Fukasaka discloses the image sensing apparatus (103 of fig 3), wherein said transmission/reception means (I/F 26 of fig 3) is based on the USB (Universal Serial Bus) specification, see (col.9, lines 35-39).

With respect to claim 9, Fukasaka discloses a control method for an image sensing apparatus (103 of fig 3), comprising: image sensing means (13 of fig 3) for image-sensing an object and outputting an image signal, see (col.6, 23-26); signal processing means (14 of fig 2), for converting the image signal outputted from said image sensing means (103 of fig 3) into digital image data; transmission reception means (I/F 26 of fig 3), for transmitting/receiving data with an information processing

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apparatus (203 of fig 3) connected to said image sensing apparatus (103 of fig 3) via a cable (USB cable , see (col.9, lines 35-37), or wireless communication see (col.9, lines 35-37); and signal generation means (11 of fig 3) for generating a trigger signal to perform image-sensing related operation, see (col.10, lines 50-53), said method comprising a step of, if said image sensing apparatus (103 of fig 3) and said information processing apparatus (203 of fig 3), are connected to each other and said information processing apparatus (203 of fig 3) is in a suspended status, *(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device (computer) 203 of fig 3, by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50)*, transmitting a resume signal, see (col.10, lines 50-53), from said image sensing apparatus (103 of fig 3) via said transmission/reception means (I/F 26 of fig 3) to said information processing apparatus, (203 of fig 3) in accordance with said trigger signal, see (col.10, lines 50-53).

With respect to claim 10, Fukasaka discloses a storage medium (RAM of fig 13) containing a control program for controlling an image sensing apparatus (103 of fig 3), see (col.13, lines 25-28), comprising: image sensing means (103 of fig 3), for image-sensing an object and outputting an image signal ,see (col.6, lines 23-26); signal processing means (14 of fig 2), for converting the image signal outputted from said

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image sensing means (103 of fig 3), into digital image data see (col.6, lines 23-26); transmission reception means (I/F 26 of fig 3), for transmitting/receiving data with an information processing apparatus (computer 203 of fig 3), connected to said image sensing apparatus (103 of fig 3) via a cable or wireless communication, (USB cable see col.9, lines 35-37); and signal generation means (14 of fig 2) for generating a trigger signal to perform image-sensing related operation, see (col.10, lines 49-55), said control program having code for, (software application program code stored in RAM 220 of computer 302 of fig 3), if said image sensing apparatus (103 of fig 3), and said information processing apparatus (computer 203 of fig 3) are connected to each other and said information processing apparatus (203 of fig 3) is in a suspended status,*(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device (computer) 203 of fig 3, by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50)*, transmitting a resume signal from said image sensing apparatus (103 of fig 3) via said transmission/reception means (USB cable, see col.9, lines 36-38) to said information processing apparatus, (203 of fig 3) in accordance with said trigger signal, see (col.10, lines 50-53).

With respect to claim 11, Fukasaka discloses a method an image sensing apparatus (103 of fig 3), see (col.13, lines 25-28), image sensing apparatus (103 of fig



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3), for image-sensing an object and outputting an image signal ,see (col.6, lines 23-26); signal processing means (14 of fig 2), for converting the image signal outputted from said image sensing means (103 of fig 3), into digital image data see (col.6, lines 23-26); transmission reception means (I/F 26 of fig 3), for transmitting/receiving data with an information processing apparatus (computer 203 of fig 3), connected to said image sensing apparatus (103 of fig 3) via a cable or wireless communication, (USB cable see col.9, lines 35-37); and signal generation means (14 of fig 2) for generating a trigger signal to perform image-sensing related operation, see (col.10, lines 49-55), said control program having code for, (software application program code stored in RAM 220 of computer 302 of fig 3), if said image sensing apparatus (103 of fig 3), and said information processing apparatus (computer 203 of fig 3) are connected to each other and said information processing apparatus (203 of fig 3) is in a suspended status,*(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device (computer) 203 of fig 3, by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50)*, transmitting a resume signal from said image sensing apparatus (103 of fig 3) via said transmission/reception means (USB cable, see col.9, lines 36-38) to said information processing apparatus, (203 of fig 3) in accordance with said trigger signal, see (col.10, lines 50-53).

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With respect to claim 12, Fukasaka discloses a control apparatus for controlling an image sensing apparatus comprising: an image sensing apparatus (103 of fig 3), see (col.13, lines 25-28), image sensing apparatus (103 of fig 3), for image-sensing an object and outputting an image signal ,see (col.6, lines 23-26); signal processing means (14 of fig 2), for converting the image signal outputted from said image sensing means (103 of fig 3), into digital image data see (col.6, lines 23-26); transmission reception means (I/F 26 of fig 3), for transmitting/receiving data with an information processing apparatus (computer 203 of fig 3), connected to said image sensing apparatus (103 of fig 3) via a cable or wireless communication, (USB cable see col.9, lines 35-37); and signal generation means (14 of fig 2) for generating a trigger signal to perform image-sensing related operation, see (col.10, lines 49-55), said control program having code for, (software application program code stored in RAM 220 of computer 302 of fig 3), if said image sensing apparatus (103 of fig 3), and said information processing apparatus (computer 203 of fig 3) are connected to each other and said information processing apparatus 9203 of fig 3) is in a suspended status,(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device (computer) 203 of fig 3, by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50), transmitting a resume signal from said image sensing apparatus (103 of fig 3) via said transmission/reception means (USB cable, see col.9, lines 36-38)

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to said information processing apparatus, (203 of fig 3) in accordance with said trigger signal, see (col.10, lines 50-53).

### ***Response to the Arguments***

3. Applicant's response filed Aug 28, 2003 have been considered and reviewed. However, applicant's arguments with respect to claim 1, 9, and 11-2, as stated in page 2 and 3, specifically "Information processing apparatus is in suspended status, and sensing apparatus transmits a resume signal to information processing apparatus " is not found persuasive. Examiner respectfully disagree with applicant's remarks because the prior art specifically discloses the invention subject matter as claimed. Specifically as shown in the above office action, image sensing apparatus (103 of fig 3), and said information processing apparatus (computer 203 of fig 3) are connected to each other and said information processing apparatus (203 of fig 3) is in a suspended status,*(when a predetermined application is not executed, the information processor is in a suspended status, the application program is automatically initiate the information processing device (computer) 203 of fig 3, by pressing the button of the image sensing device 103 of fig 3, see col.9, lines 45-50)*, transmitting a resume signal from said image sensing apparatus (103 of fig 3) via said transmission/reception means (USB cable, see col.9, lines 36-38) to said information processing apparatus, (203 of fig 3) in accordance with said trigger signal, see (col.10, lines 50-53). Examiner still believes

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that the cited reference teaches or read on every claimed limitation of the invention as discussed in the last and current office action. Therefore claims 1, 9-12, are not in condition for allowance.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communication from Examiner should be directed to Negussie Worku whose telephone number is (703) 305 5441.

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The Examiner can normally be reached on M-F, 9 am - 6 pm if attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, **Kimberly Williams** can be reached on (703) 305-4863.

The fax phone number for the organization where this application or proceeding is assigned is (703) 306-5406, and any inquiry of general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



12/ 26/ 03

MARK WALLERSON  
PRIMARY EXAMINER

